

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ANTHONY J. DEMARCO, III

DOUGLAS & SANDRA BARNHART

Plaintiffs

v.

ANTHONY J. DEMARCO, III;

BANK OF AMERICA, N.A. F/K/A  
COUNTRYWIDE BANK, FSB;

GREG ENGELSBE;

BRIGHTMAN AGENCY, INC.

JOHN DOE 1,

Defendants

Chapter: 7 Debtor

Case No.: 13033-mdc

Adversary No. 10-00267

**ORDER**

And now, this \_\_\_\_\_ day of \_\_\_\_\_, 2010 upon consideration of Defendant Bank of America's Motion to Dismiss Plaintiffs' Complaint, and any response thereto, it is hereby ORDERED and DECREED that the Motion is GRANTED. Plaintiffs' Complaint is DISMISSED as against Defendant Bank of America, N.A. F/K/A Countrywide Bank, FSB with prejudice, and Plaintiffs' prayer for relief requesting that the Maurice Heckscher deed and Bank of America mortgage be declared void is stricken.

BY THE COURT:

\_\_\_\_\_  
U.S.D.J.

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**DEFENDANT BANK OF AMERICA'S MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT**

Pursuant to Rule 7012 (b) of the Federal Rules of Bankruptcy Procedure and Rule 12 (b) of the Federal Rules of Civil Procedure, Defendant Bank of America, by its attorneys, Hamburg, Rubin, Mullin, Maxwell & Lupin, a Professional Corporation, hereby moves to dismiss Plaintiffs' Complaint and in support thereof incorporates the facts and arguments set forth in its accompanying Memorandum of Law.

Respectfully submitted,

HAMBURG, RUBIN, MULLIN, MAXWELL &  
LUPIN

DATE: 8/25/10

BY: Bernadette A. Kearney  
BERNADETTE A. KEARNEY, ESQUIRE  
ID# 80578

BY: Ethan R. O'Shea  
ETHAN R. O'SHEA, ESQUIRE  
ID# 69713

Hamburg, Rubin, Mullin, Maxwell & Lupin  
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## CERTIFICATE OF SERVICE

I, Ethan R. O'Shea, Esquire, certify that I am more than 18 years of age and that on August 25, 2010, I served a copy of Defendant Bank of America's Motion to Dismiss Plaintiffs' Complaint, Proposed Order, Notice of Motion and Memorandum of Law either electronically or by first-class mail on the following parties in this matter:

**NAME AND ADDRESS:**

Matthew B. Weisberg, Esquire  
Prochniak Weisberg, PC  
7 South Morton Avenue  
Morton PA 19070

Robert P. Cocco, Esquire  
Law Offices of Robert C. Cocco, PC  
1500 Walnut Street, Suite 900  
Philadelphia PA 19102

Allen B. Dubroff, Esquire  
101 Greenwood Avenue  
Fifth Floor  
Jenkintown PA 19046

Andrew J. Goncharoff, Esquire  
271 Lake Street  
Haddonfield NJ 08033

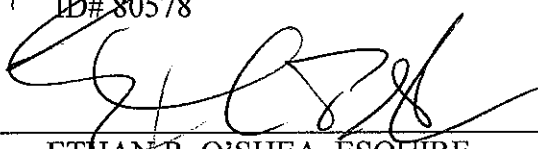
Brightman Agency, Inc.  
409 N. White Horse Pike  
Laurel Springs, NJ 08021

I certify under penalty of perjury that the foregoing is true and correct.

HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN

DATE: 8/25/10

BY:   
BERNADETTE A. KEARNEY, ESQUIRE  
ID# 80578

BY:   
ETHAN R. O'SHEA, ESQUIRE  
ID# 69713  
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